REMARKS:

The Examiner is thanked for the Office Action of October 11, 2007. Applicant has amended claim 1 in clarification. Claims 7 and 8 have been canceled. No new matter has been added. Reconsideration of the application in amended form is respectfully requested.

Interview Request

As an initial matter, Applicant respectfully requests an interview prior to consideration of this response. Applicant submits herewith an Interview Request Form.

Response to Claim Rejections

Claims 1-12 were rejected as being obvious over Headrick in view of Brinker. Applicant respectfully traverses these rejections.

Applicant has amended claim 1 to provide that the body structure includes a surface having a mullion-supporting surface that supports a base of a mullion thereon. In addition, a horizontally extending portion extends outwardly past the mullion-supporting surface, and at least one lateral locating structure extends upwardly from the horizontally extending portion. The lateral locating structure is substantially perpendicular to the mullion-supporting surface, and abuts a corresponding lateral face of the mullion in order to limit lateral movement of the mullion.

The additional features provided in amended claim 1 were partially drawn from the subject matter of claims 7 and 8, though the specific language of these claims was clarified. As such, claims 7 and 8 have been canceled. As discussed in the specification, the lateral locating structure engages a corresponding lateral face of the mullion. See

Specification, p. 12, ¶ 55; see also lateral locating structures 88, 90 shown in Figures 5 and 7.

Neither Headrick nor Brinker disclose or suggest a spacer having the structure as defined in claim 1 of the present application. Indeed, Brinker discloses a conventional metal door and sidelight frame with no spacer structure. Headrick is directed to a side panel and door threshold rather than a spacer for supporting a mullion.

As shown in Figure 1 of the Headrick patent, the gaps between the threshold cap 13 and the pair of panel caps 14, 16 are precisely where the mullion would be provided. Thus, a conventional mullion or tenon formed to fit onto sill 22 via relatively complicated machining would be required. The present invention seeks to overcome the problems associated with designs such as disclosed by Headrick.

Moreover, amended claim 1 now provides for a lateral locating structure that extends upwardly from a horizontally extending portion relative to the mullion supporting surface. The lateral locating structure is substantially perpendicular to the mullion-supporting surface, so that it abuts a corresponding lateral face of the mullion and limits lateral movement thereof. Such a feature would not be desirably or even functional on the threshold caps disclosed by Headrick, given a planar upper surface is required under the associated door (associated with threshold cap 13), and a planar upper surface is also desirable for side panels (associated with panel caps 14, 16). Thus, Headrick fails to disclose or suggest a lateral locating structure, as claimed by Applicant.

The Examiner states that no limiting structure is provided with respect to the mullion. Amended claim 1 now provides that the mullion-supporting surface supports a base of the mullion, and the lateral locating structure abuts a corresponding lateral face of

the mullion. Thus, the structural features of the claimed spacer are defined partially with reference to a mullion having a base and a lateral face. The structural features of the claimed spacer are also defined in terms of their relationship to each other, given the claimed horizontally extending portion extends outwardly past and relative to the claimed mullion-supporting surface, and the lateral locating structure extends upwardly from and relative to the horizontally extending portion and substantially perpendicular to the mullion-supporting surface.

Claim 1 is directed to a spacer for a door jamb assembly having certain features as defined in the preamble, including at least one vertically extending mullion. The mullion is referenced in the body of the claim, and provides clarification to the structure of the spacer in relation to the mullion it is supporting. The preamble focuses the reader on the invention that is being claimed. See *On Demand Mach. Corp. v. Ingram Indus.*, 442 F.3d 1331, 1343 (Fed. Cir. 2006). The preamble of claim 1 gives life and meaning to the body of the claim. See *Corning Glass Works v. Sumitomo Electric U.S.A., Inc.*, 868 F.2d 1251, 1257 (Fed. Cir. 1989). The preamble may be considered limiting if the claim drafter chooses to use both the preamble and the body to define the subject matter of the claimed invention. See *Bell Communications Research, Inc. v. Vitalink Communications Corp.*, 55 F.3d 615, 620 (Fed. Cir. 1995).

In the present case, the body of the claim refers back to "the at least one mullion" provided in the preamble. Applicant has further amended the claim to provide that the mullion-supporting surface supports a base of the mullion, and the lateral locating structure abuts a corresponding lateral face of the mullion. Accordingly, the preamble breathes life and clarity into the body of the claim.

Applicant submits that in light of the amendments herein, claim 1 defines over the art of record. Claims 2-6 and 9-12 all depend from claim 1, and therefore likewise define over the art of record for the same reasons.

Accordingly, Applicant respectfully submits that all rejections have been overcome, and earnestly solicits allowance of all pending claims.

It is believed that no fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

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